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DOCUMENTS

A New Plan to Govern Virginia, 1623

THE great Sackville collection of manuscripts at Knole Park, Sevenoaks, has long been recognized as likely to contain papers of importance relating to the early history of Virginia and the Virginia Company. A very imperfect survey of the manuscripts was made by the Historical Manuscripts Commission in the early years of its activity, but very little was then brought to light and though from time to time a few scattered Virginia papers have been extracted from the collection,¹ no systematic search of the whole collection has been made. It has been shown by Dr. Kingsbury² that papers may have come to Knole from four different sources connected with the Virginia Company and among them from Lionel Cranfield, first earl of Middlesex and Lord High Treasurer of England during the period when the company was dissolved. The papers of Cranfield are in reality by far the most important of the seventeenth-century manuscripts in the collection and it has been in the course of a preliminary investigation preparatory to the calendaring of the Sackville manuscripts for the Historical Manuscripts Commission that the document here printed has come to light. By the courtesy of Lord Sackville and of the Historical Manuscripts Commission, it has been transcribed in full and is here presented as of some interest to the student of early Virginian history or of political speculation in the early seventeenth century.

The document is written in a neat and clerkly hand on six sheets of paper fastened together at the top and rolled in an outer cover consisting of a blank parchment form of indenture. The first sheet is written only on one side with a discursive preface of small importance,³ but each of the other sheets is written closely on both sides with explanatory comments in the margin. The earlier part of the document has received emendation here and there in a hand that is much less legible than the rest of the document. It is probable that the document itself is in the hand of its author, for many corrections of phrasing and arrangement occur in this hand throughout. It may be suggested, however, that before presentation it was

¹ *E. g.*, for Dr. Peckard, the author of the *Memoirs of Nicholas Ferrar*.

² Susan M. Kingsbury, *Records of the Virginia Company*, introduction, p. 114.

³ Not printed.

submitted to some person of authority and that the secondary alterations are due to him. The document is undated and does not contain anything within that would enable an exact date to be assigned, but external evidence enables us to place the date of its presentation as somewhere within the latter half of 1623. The order of the Privy Council appointing a commission to enquire into the true state of the Virginia plantation was issued on April 17, 1623, and on May 22 the records of the company were sequestered. On June 23 a draft proposition for resettling the estate of Virginia⁴ was delivered by the Rich faction to the Lord Treasurer and in December Captain Bargegrave also presented a proposition. Cranfield's approaching fall from favor was a topic of common conversation from January to April, and during these months there was a lull in the proceedings for the resettling of the government and a dearth of papers touching matters as they stood in England. It may therefore be suggested with a considerable likelihood of truth that the paper was written and presented at some date between June and December, 1623, and that, having been considered by the Lord Treasurer, it was endorsed by one of his secretaries and placed among his papers for future reference. Comment on the plan itself is unnecessary, but attention may be drawn to its complexity and to an impracticability that would be unlikely to commend itself to the extremely practical and mercantile mind of Cranfield. The amateur constitution-mongers of the reign of James I. were evidently as unfamiliar with the practical details of government as was John Locke in his celebrated plan for the government of Carolina.

ARTHUR PERCIVAL NEWTON.

A FORME OF POLISIE TO PLANTE AND GOVERNE MANY FAMILIES IN
VIRGINEA, SOE AS IT SHALL NATURALLY DEPEND ONE THE
SOVERAIGNETYE OF ENGLAND.

(1) This preamble, beinge the difinicion of that wee intend to doe and framed to the attaineing of our last end, wee maie terme the contract of this our marriage, whereof I have wrytten a treatice handling everie worde of it, and shewinge that the object (to witt) To plant and governe and the sub-

Whereas wee aswell by our Letters Patentes beareing date at Westminster the 10th daye of April in the 4th yeare of our raigne, as by diverse other Letters Patentes since that time graunted, have given licence unto diverse of our loveing subjectes named in those severall Patentes, to conduce and conduct severell coloneys of our loveing subjectes to abide in America, within 34 and 45 degrees of the equinoctiall, with diverse preheminences, liberties, and authorities as by the sayde Patentes appeareth, And

⁴ P. R. O., Manchester Papers, no. 379.

ject manie families in Virginea, and the end to which the efficient, that is this pattent and authority wee have from the kinge, should bee ordained, which is to cause the plantacion naturally to depend on the soveragnenitie of England. Theis being the esscentiall and formall differences, I hould the worke to bee truelie defyned. Yf then the end bee it that must teach us the meanes to conduce to it, and that the right ordaineinge of the efficient bee the principall meanes to attaine our end, then the question wilbe quicklie descyded whether it bee not better to authorize one sett forme of government both heare and in Virginia framed to the attaineinge of our end, and soe leave the lawes to bee ordained accordinge to that forme, or ells that the adventurours here should give lawes and government by populer voyces to the planters in Virginia as if they were their tenants or servantes. The said planters being aswell free subjects to the kinge, those that venture there lives aswell as their goodes, and those that must hould the plantacion to England, if Aristotle's rule houlde that, that right which works most to the attaineinge of the politick End must be preferred, this question is by it descyded see the word policy.

The reasons why this

whereas wee knoweing this derived authoritie from us, to bee the efficient cause and the speciall meanes wheareby wee shall attayne the endes proposed to ourselfe for the undertakeinge of the sayde plantacions, did give likewise together with our first Patent certayne Articles and Instructions, theareby settleing downe our forme of government for the governeinge of the sayde severall plantacions fitted at that time to those poore beginniges, and promiseing farther that as the Plantacion should encrease within the degrees aforesayde, Wee, our heires or successours, would ordayne such farther instructions, lawes, constitutions, and ordinances, for the better rule, order and government of such as shall make plantacion theare as to us our heires and successours shall from time to time bee thought fitt and convenient, limiteing our selves onely to frame them in substance consonant to the Lawes of England

And whereas wee have since contrarie to our first proceedinges beene induced by severall Letters Patentes dated . . . to ordayne and institute severall orders of governementes, in our southerne and northerne plantacions now tearmed Virginia and New England, therein applieing our selves to the desires (and as wee feare the private endes) of the adventurers heare, which layeing the groundes of their government accordeing to their private interest and severall joyntestockes, *have governed our free subjectes in Virginea as if they were their servauntes*, Wee knoweing thearefore, that thease severall formes of governementes doe breede distractions, as well amongst the adventurers heare, as our loving subjectes the personall planters, and understandeing that the joyntestockes of the Southerne Plantacion (whereon their government heare by voices was founded) is now spent and gone, and the plantacion dothe subsist onely of the ould planters now made free of severall private colonies, planted by Patentees, and of diverse publique servauntes, planted by the Collections and Lotteries,

And that the plantacion is now soe strong that it is able to defend it selfe and fitt to put one the face of a commonwealth, Wee (being the politicke father of the whole and

force is not to bee used is sett downe in the treatice of Difinitio chap.—

The tretysse on the word Remidys.

The reason why the forces and soveraigne faculties should not bee put into one hand, reade the said treatice uppon the words Governe and forme.

Reade the treatice uppon the word Policie.

Theis bee the true properties of the efficient cause, which in our case will onelie bee effected by a settled forme that must prepaire apt instrumentes and matter of apt condicion for it to worke on, perticuler formes being united and determined by theire certaine perticuler matter, see the treatice on the word forme.

not lookeing one [on] particulars in respect of it) considering and knoweing that the perfection and happinesse of a commonwealth, lyeth not soe much in the spaciousnesse of it, but first and principally in the government, consisteing in the mutuall duties of commandeing and obeyeing, next in posessing things plentifully, necessarie for the life of man, doe professe that next and immediately after the honour wee shall doe to God in converteing of the infidells to the knowledge and worshippe of Him, we intend wholly the good of our subjectes: first to the planters and adventurers, then to the planted, which wee would have soe cherished that they may prove planters themselves, and to that end endeavoureing to cause both England and Virginea, to endowe each other with their benefittes and profittes that theareby *layeing aside force and our coactive power*, wee may by our *justice and bountie* marrye and combinde those our provinces to us and our soveraignetye in naturall love and obedience. Wee will make this marriage our politicke and last end, to teach us what are the meanes that conduce to it, and to give both measure order and end to them. To which purpose *not suffering any one to growe to greate*, for feare of shaddoweing and hindering the rayes of our Majestie to shine over all, *Wee will give to each planter advancement in the government, accordeing as hee shall give farthorance thereto*. In regard thearefore this our soveraigne and uniteing power (and the facultties theareof takinge their roote from our majestie in England) is to spread it selfe amongst many *aswell differing in condition as severed in distance and place*, Wee (findeing that nothing canne reduce this many into one againe but forme) doe ordayne one settled and imoveable forme, to governe all the plantacions within the degrees aforesayde, *which forme being maturely deliberated, ever one and the same, soe as wholly intendeing the end, it shall worke noething but good theareto*, wheareby yt shall not onely serve as a medicine to cure all the malignities that the plantacion doth naturally bring with it, by reason of the distance of the place, but it shall alsoe by waye of right and interest procure us apt instrumentes for the form to worke by,

and prepare matter of apt condition for it to worke one [on], soe farr forth, as if wee laye the forme aright, to matter soe capeable of it, wee may conclude that the properties of the forme must of necessitie followe. The matter thearefore whereone our forme must worke being the people and the place, which are to bee distinguished and divided, and our soveraigne faculties limited to them by fundamentall lawes and order, Wee will first give lawes and order to the people and then we will appoynte them their places, fortifications, and manner of spreadeing.

First thearefore that God maie the better give a blesseing to our endeavours, wee doe strictly charge and commaund all our presidentes, councelles, magistrates, patriotes, governors, and ministers within our sayde severall collonies, respectively within their severall limittes and precinctes, that they with all diligent care and respect, doe provide that the true word and service of God and Christian faith bee preached planted and used, not onely within everie the sayde severall collonies, but alsoe as much as they may amongst the savage people, which doe or shall adjoyne unto them, and border uppon them, accordeing to the doctrine, rightes, religion, and ecclesiasticall forme of government now professed and established in England.

And because wee knowe that where Moses and Aaron agree not there religion will not onely bee scandalled but the soveraignetye must needes goe to wracke, therefore wee doe ordayne that whosoever hee shall bee that shall refuse to bee governed by our ecclesiasticall government established, he shall bee heald and esteemed as a resister of our soveraigne power, commaundeing all our administers of justice, whome it shall concerne, not to suffer any person or persons to remaine or abide within our sayde plantacions, whoe shall professe any doctrine contrarie to oures, or shall atempt to withdrawe any of our people inhabiteing or which shall inhabite within any of the sayde colonies and plantacions (or any of the naturalls bordering one them) from the same government or from their due allegiance to us our heires and successours, which persons soe often offendeing shall bee apprehended and im-

prisoned, untill hee shall throughly reforme himselfe or otherwise where the cause shall require it be banished Virginea and sent to England heare to receave condigne punishment, for his or their offence or offences.

And because wee are informed that some of the former governores both heare and in Virginea have contrarie to their patent, and our Royall instructions which tyed them to make their lawes consonant to the lawes of England, framed and caused to bee printed a certayne tyrannicall booke of government, which being sent into Virginea, and noe other supplies of foode or apparrell sent either with them or within 3 or 4 yeares after them, wheareby many of you our subjectes, being forced to breake them for wante of foode and necessities have misereably lost their lives or bene brought into slaverie, and whereas this giveing life to lawes is one of the highest poyntes of our soveraignetye given us from God to benifitte not to destroye our subjectes, wee shall hould our selfe guiltie of the injurie done if wee should not see it extreemely punished. And this being done in the face of our majestie what may wee hope for soe farr of [off] if it bee not narrowly looked unto. Being therfore most jealous of our honour in that kinde, wee doe straightly chardge and commaund that noe instrument of our soveraigne power shall dare to encroach uppon any parte of our soveraignety, further then they shall bee warranted by the councell of state, or by thease our orders and lawes now sett downe, uppon payne of hightreason. And to the end this lawe shall bee the more strictly kept wee will give the goodes of such offenders to the publique treasurie makeing the publicke both judge and jurie of this offence as will after appeare.

Moreover because wee are fullye perswaided that wee canne noe waye better attayne unto thease our end designed then by planteing of many private colonies, severed by distance and place, Wee therefore doe especially chardge, commaund and ordayne that all planters of what condition soever they bee, shall enter their names and subject themselves under the government of some one coloneye or other, to bee governed accordeing to the rules and orders by us now sett downe uppon payne of being taken for rebells and outlawes.

And wee doe further charge and commaund all our presidentes, councelles and magistrates, within their jurisdictions, that onely the offences of tumultes, rebellions, conspiracies, mutinies and seditions, such as shall come to that hight, that they shall prove dangerous to the state theare, together with murders, manslaughters, incest, rapes, and adulteries, together with such offences as wee by thease our lawes and orders, shall make felonie or treason, to bee committed in those partes within the precinct of the degrees before mentioned, and noe other offences, shall bee punished by death without the benefitte of clergie, except in the cause of manslaughter in which clergie is to be allowed.

It followeth now that we sett downe thease our orders, degrees of counsellers, magistrates, governors, and all under officers belonging to this our forme, which falls out, first to deuide all our adventures into two orders, severing such as are free of our soyle and trade onely, from them that are citiezens and free of our government.

Of the first order there are likewise 2 sortes, servauntes that haveing served out their time, and tenauntes that have estates in dependensie of their masters and landlordes, together with freedome of trade, but have noe shares.

The second sorte are such, whoe goeing one [on] their owne charges they gayne a share, and likewise freedome of trade but are not citiezens till they have not [?] carried over 2 men.

The second order of adventurers are *such whoe appropriateing unto themselves their freedome, their landes and their degrees by purchase*, they communicate either in the choice or participation of counsell and magistracies and them wee call our citiezens deuideing them into 5 degrees.

The first degree is the patriot or patriation, they are such as are first named patentees in the particular plantacions of colonies, cities, and corporations, thease shall bee such as haveing good estates in England they shall carrie or drawe over with them to the number of 300 men as their parteners and adherences of whome they must bee protectors and for whose good abeareing they must bee pledges.

This severing our degrees accordinge as every one appropriates his freedome to himselfe fundamentally by purchase must naturally take awaye all contention aswell for equall liberty as for riches and consequently lottes founded on a rethmeticall equalitytie, for every one will labour to maintaine the propriety of his freedome in his degree according to his right as well as his goodes and landes. And Cicero in his Offices saith that though by the instinct of nature, men were drawne into sotiable assemblies, yet the better to save the propriety of their goodes was the fundamentall end that made them fynde out heades, governours, and presidentes of citties, the mouthe of equall libertie therefore must needes bee stopped, and this maintenance of theire degrees will immoveably fixe the forme of the collonie, and it will bee a greater greife for anie cittizen to have a note of ignomynrie layed uppon him to bee suspended from his de-

gree, or suncke a degree lower then it was by the lawes in printe to bee burnte throughe the tongue, whipt or made gallislaves, by this meanes wee maie avoyde all corporall punishment for freemen except it bee where the case deserves death, and this will breede in the planters the more noble spirittes.

The second degree are such as are admitted to bee of the order of governors by the patriot, whose name being joyned in the patent, the power of cheife governing those colonies, if they bee thereunto elected shall be graunted unto them. Thease must likewise have estates in England either in land, or money in banke, and they must carrie over, or send, as many men, as the patrition of the colonie and they canne agree to have their names soe put in. The patrition may alsoe at any time after admitte as many into the colonie as hee please, they bringeing men to him to encrease his colonie.

The 3rd. degree are such as shall bee maiores and aldermen in the foresayde citties and corporations, and they shall carrie over sixe men.

The 4th. degree shall bee common councillors, and they shall carrie over foure men.

The 5th. degree are commoners, and they shall carrie over two men.

And if any one shall committe any act wheareby his life and goodes shall bee forfeited to us, though his life bee pardoned hee shall bee suspended from his degree till hee hath brought over a certayne number of men, accordeing to the quallitie of his first degree, to restore him to his sayde degree agayne.

Moreover wee ordayne that of all thease 5 degrees, the eldest sonne onely shall bee of his fathers degree and the younger shall bee of the degree belowe it except they canne rayse themselves by carrieing of of men.

And further wee ordayne that the meanest servaunt that goeth (God soe blesseing him and his endeavours, that hee canne purchase and [an] estate in England or compasse to carrie over or drawe over with him of his friendes and adherences the number of 300 men) he may become a lord patriot which is the greatest place the commonwealth canne beare.

This riseinge order, the lowermost orders choosing their governours out of the uppermoste, will necessarilie suppress popular libertie and keepe the soveraigne faculties and

Now for the choice and election of our officers, magistrates and governours, wee must beginne at the lowermost degree, sc: the commoners that carrie over 2 men they shall choose out of themselves the burrowehoulders, surveyours of the high wayes, and such like officers. And out of

the commaund of the forces aloft in these feoffees handes that our forme shall put them, soe as frameinge all the underdegrees in a dependensye on the heades of the colonies, whose order haveinge the same authoritie, number of forces, manner of seateing and fortifying each one of them that the other hath, whereby they wilbee brought to an equallitie. Their jealousye one of each other will by maintaineinge that equalitie keepe anie one either from usurpinge further authoritie or by increaseinge the strength and number of his colonie then our forme doth give him, and thus the comonweale consisting of the persons not of the place, wee by gaineinge the affections of theis instrumentes by theire private intresses and estates in England, givinge them such sufficient power as shall make it a commonwealth able to maintaine it selfe by itselfe soe farre forthe onely as it shalbee unyted by us theire soveraigne. Soe frameinge the government that it shall give all men both liberty and meanes of riseinge to the greatest places and honours therein, whereby they will receive such content that they will all strive to maintaine it in the same forme wee shall now settle it, wee maye for theis reasons give them the elections of their owne governors, at which all free subjectes doe naturally desire.

them that carrie foure men they shall likewise choose their common councellers, churchwardens and such like officers. The common councellers shall choose their aldermen and shreiffe out of them that carrie 6 men. The aldermen shall have a maior by turnes except some greate disabillitie happeneth and then the next in turne shall be maior. The Maior and aldermen shall choose their governour either out of them that bee admitted to bee of the order of governours by the patrition, or the patrition himselfe. The maior and aldermen alsoe of [each] severall corporation shall have power to choose out of their corporation one of the order of governours or the patrition himselfe to bee of the provinciall councill, which councill being all chosen out of the patritions and the order of governours in everie province, and consisteing of 5, 7, 9, 11, 13, or 15, they shall have a monethly president by turnes, whoe haveing 2 voices, hee shall for his moneth call and breake of [off] all assemblies, and untill the councill of union bee compleate, wee give them the same power, which wee doe give to our sayde councill of union, making all theire decrees to stand as lawe, till they are disanulled by us, by the generall parliament in Virginea or by the sayd councill of union, when it shall bee compleate and in force, according to our order now sett downe.

This councill of union being the most soveraigne councill wee will tearme a Syncretisme or councill of union with the councill of England and this councill shall bee chosen onely out of the patriotes of everie province, by a component number of electours chosen out of the order of governours which are not patritions, one out of everie particular corporation, which electors shall bee chosen by the maior and aldermen the maior haveing the casteing voice, and thease electours shall choose, 4, 3, 2, or 1, out of everie province as necessitie shall require. *This councill shall have 3 monethly presidentes, by alternate changes* which untill wee have councellers wee will shew the manner of it by letters thus

abc	aec	ahc	alc	aoc	acf	abo	abf	abi	ahm	apb	abd
def	dhf	dlf	dof	dbf	deb	dfg	dei	dem	dep	dec	deh
ghi	gli	goi	gbi	gei	gim	ghe	ghm	glp	gbi	gbf	ghk
klm	kom	kbm	kem	khm	klh	kmp	klp	khc	klf	kli	kmi
nop	npb	ncp	nhp	nlp	nep	nel	noc	nof	noi	nom	noa

The groundes and reasons of this severall counsellis why wee make three presidentes of this Syncretisme or counsell of union, and why they take their courses by changes according to theis letteres sett downe are theis. Genoa hath three presidentes, soe likewise had Marcelles which is commended by Cicero to be the best commonwealthe that was in his time, in the worlde. Wee nominate them monethely, because offices of greate power amongst equalls must not contynue longe, and the shorter they are the lesse they maie enterprize against the state. Arist. pol. li. 2 et 3. Wee give them theire turnes because mutuall preferment equally bestowed by turnes dothe preserve and defend citties and commonweales; Arist. pol. li. 2. Three presydenes because of the odd nomber, three is beste, two beinge as much in proporcion to one as 8 is to 4, soe as althoughe to dispute and trye and examine a cause, the even nomber is to bee preferred before the odde, yett to conclude and give sentence the number of 3 employes by necessitye a concludeing of it, either

Thus the counsell being of 15 ^{teens}, if you order them in this sorte the same 3 men shall not in 5 yeares space meete together to bee presidentes, whereas if they were to take their circularie courses, without changes, they should meete once everie 5 moneths

The presidentes being thus ordered their 3 voices or two of them shall conclude all causes that shall bee controverted by equall voices and not concluded in the bodie of the counsell, the eldest counsellor of which presidentes shall summon and breake upp all assemblies. the number of this counsell must bee 7, 9, 11, 13 or 15 at the most but in the minoritie of the plantacion 3 may serve without any presidentes, the elder counsellor of the 3 to summon and breake of [off] the assemblies.

And our will and pleasure is that (besides the oath of our supremacie which all our subjectes there shall be sworne to once everie yeare at the least) there shall bee a particular oath framed, for all these counsellis to take, viz: that all their decrees shall bee made aswell for the uniteing of Virginea to the crowne of England as for the combeindeing of the members to the whole, and that they will to their uttermost power endeavour to prevent all usurpation of encroachment uppon our soveraigne authoritie whatsoever. Reserving therefore to ourselfe our most high absolute and perpetuall power of commaundeing and controuleing all, that thereby our commissions and writtes of justice may spread themselves over everie person, and in everie place through our whole dominions there, we doe graunt that this soveraigne counsell, shall have authoritie to unite in commaund, and to appoynte the number of the forces, puteing the power of commaundeing them into one of our marshalls handes as cheife, to all by turnes, or to each one severally as

all 3 consenting to it, or ells two to one, which is sufficiente authoritie to carrie the cause in question. This fault therefore that is not unjustly laid uppon arristocracies that they are two longe a determyneinge the busynes of the common wealthe, whereby the monarchall forme is farre preferred before it, will by this meanes be taken awaye, this number of 3 addinge more authoritie to the decree then the voice of one doth, that was not for nothinge that there was sixe severall magistrates in Rome at one tyme consisting of Tryumbers. Reade in the booke termed the jeometrical motion, to which I referre them that desire to bee better instructed herein.

This allowance and lymitacion of a dictatour is onely in cases of necessitye because desperate diseases must have desperate reamidies, poysons expelling poysons when the body of the state and counsell is rent and torne in peices into factions which deades and destroyes the power of it, when the armye abroad mutynies or is distressed by being invyroned, besieged or caught in some straight, then and not tell then must it be cured with this onely and extreamest last healpe of nameing a dictatour, whose word governing all, the magistracies being suppressed, the lawes made sylent, hee must not bee called to an accompt

occasion shall require, givinge them our sayde counsell likewise authoritie to proclaime warre and make peace with the naturalls of the cuntrie, to taxe tributes aswell for a treasurie for England as for Virginea, to dispose of the treasurie in Virginea as the counsell in England have of the treasurie in England, To make contractes with the king or companie in England and consenteing with them accordeingly to rate the prizes of comodities, which shall bee sent hither or thither, to appoynte the places where the forces and colonies shall bee planted, to condemne and pardon, to banish, to confiscate, to proscribere accordeing to the laws ordayned, To call magistrates and governours to accompt, *and in case of necessitie limiteing his time shorte and the place certayne to institute any one man that shall have soveraigne power as the dictatoures in Rome*, and all this their authoritie and all thinges they have done theareby shall bee firme and of force till it be disanulled by us and our counsell in England. This counsell of union cannot be compleate, till there bee 3 provinces. In the meane time the provincially counsell shall serve the turne, wee givinge them the sayde authoritie to exerceise and use within their owne provinces.

Now in regard the active and groweing quallitie lyeth in the well foundeing of private families, and collonies, wee (as a spurre to industrie, sheweing that the heades of thease colonies are sparkes derived from our hereditorie monarchie) doe give and graunte unto them and their heires for ever, the hereditorie commaund of the soveraigne forces, limiteing them to use them onely in their owne collonies and in the wastes adjoyneing to them, except they bee authorized to use them farther by the soveraigne counsell of union, and to the end they shall onely employe this our sword and forces to the supportinge of our soveraignetye and the mainetenaunce of our justice theare, Wee will give them for the reward of their service thease titles and honoures followeing. The degree it selfe because wee cannot give them better names, they shall bee called Patriotes or patritions, when they are 300 strong and planted abroad then shall they bee tearmed knightes patriotes with the title of Sir.

for anie thing hee shall doe, by the counsell there. Thus the sworde beeing put into the handes of some one brave and austere comaunder, whose resolves and executes at an instant wee cannot expect that the resolucions that come from a counsell can bee soe suddaine, nor can the counsell execute ought but by such an instrument no more then the head can worke withoute handes, but this wee must bee sure of, that he that is soe chosen must bee well affected to the state heare, he must bee an austere governour, whome the people are afraide of, his time lymitted must not bee too longe.

When they have attayned to bee 600 strong, at which number wee (intendeing everie planter and servaunt to bee the father of a familie) doe stente the colonies that they shall not exceede above soe many families (or that anoether colonie hath issued out of them) our will and pleasure is that their sonnes and heires shall bee then knightes patriotes and they themselves shall bee Barrons and tearmed lord patriotes, their wives and other children takeing their honoures and places accordingly. In time of peace they shall bee and have the authoritie of our leiuetenantes of sheires in England, to appoynte the commaunders of our men at armes, see them trayned, to looke to their armes and watches. In time of warre they shall bee charged with what number of men the counsell of state shall thinke fitt.

The patriot must bee allowed his leiuetenant aswell in cases of disabilitie, by nonage or impotencie, or in their absence either about the busienes of the state theare, or about their private busienes in England, but these leiuetenantes shall bee chosen by the order of aldermen out of the order of governours the better to give the sayde order of aldermen content.

And whereas the patriotes are the principalest ringleaders and greatest adventurers, which carrie and drawe with them their freindes, kindred, followers and adherence out of their naturall cuntrye to a place soe farr remoate, to be protected governed and cherished by them, Wee doe therefore will and commaund all our sayde patriotes, loveingly carefully and cheerefully to performe this their trust. And wee doe ordayne that after admonition for being churlelish and negligent in that kinde, they shall bee noted with a note of ignominie, if they shall not endeavour the helpeing and protecteing any of their foresayde adherence, by all lawfull meanes they may, and this wee charge as well all our presidentes counsellis and marshalls to looke carefully unto, the rather to drawe the Indyans to the like dependencie.

And wee doe further ordayne that from the time that the patriot shall bee planted abroad, his estate of inheritance in England, togeather with his honoures titles and inheritance in Virginea, shall bee soe united and made one to him and his heires that he shall not sell the one without the other, and that sale to bee made by the consent of our counsell of union in Virginea and our Virginea counsell in England, or the most parte of them meeteing at their generall courtes and not otherwise. And if it happen that the patriot doe dye leaveing noe heire male of his name then shall it goe to the female and their heires. And the eldest daughter of the patrition, and the heires that shall challenge by the female side and their children shall beare the patriotes sirname, if they will inherite the sayde honoures and landes, which if they shall refuze that then the nexte of the kinde either by the father and then

of the mothers side, takeing the patriotes adopted sirname shall enjoye the sayde inheritance.

And because wee knowe howe dangerous it will bee to the state to suffer thease greate honoures and inheritances, to bee conjoynd either by combinations, leagues, and marriages, wheareby some one familie may growe monstrous in the state, thearefore wee doe estabilish and ordayne that noe person planteing or inhabiteing within any of our provinces within the degrees aforesayde shall make any leagues, combynacions or contractes either by worde or writeing, or confirmeing them by oaths, offensive or defensive, to the mainetenaunce of any faction whatsoever, uppon payne of forfeiteing their goodes and lives as fellows, and to prevente the combeindeing and conjoyneing of thease honoures in one house by marriage wee doe further ordayne that such eldest daughter or heire female as shall marrie with any patriott, or the heire of a patriott, shall disinable herselfe from inherriteing her fathers or predecessours patriottshippe thereby, except shee marryeing of a husband soe inamored with her that he shall sell or give away his owne patriottshippe and soe shall take the sirname of his wifes auncester, he may by that meanes inable himselfe to inherite her honoures and estate and soe by marryeing the inheritrix of the patriot, hee will bee accompted a kinde husband, and that will be his portion. The principall intent of frameing this lawe being that noe one subject shall either by purchase or any other meanes unite the forces, theareby to inable himselfe to bee stronger then any of his order.

But to the end that love may bee mayntayned, and that theise degrees may not estrange the upper orders from the lower, wee wish that the heires and eldest sonnes of the upper orders may marrie with the daughters of the lower orders, soe to rayse their wives fortunes. And that the daughteres of the upper orders being heires may marrye with the sonnes of the lower orders, makeing choice of the most vertuous, soe as vertue may advance both men and women to marriages, and that all degrees may bee thereby bound togeather in the bonde of love that none may be scorned but the scorner.

To this end alsoe, although wee would not have you imitate the Irish in their wilde and barbarous maners, yet wee will commend one custome of theires unto you, which is that the poorer sorte sueing to gett the nurseing of the children of the lordes and gentry, and breedeing upp in their minoritie as their owne, this breedeing, together with their custome, doth begett anoether nature in them to love their foster children and bretheren, as if they were naturally bread of the same parentes, and they are accompted most vile and base that shall neglect any good oportunitie to shew their thankefulnessse and love thus begotten and bread betweene the riche and poore.

And because wee will give all furtherance of the spreadeing of thease newe collonies wee doe thearefore ordayne and appoynte that all such servauntes that shall bee carried at the carge [charge] of any adventurer or planter, both those servauntes that are soe carryed over and their servauntes, with their servauntes servauntes, shall bee tyed to plante in consortshippe with their first masters, and shall rise and remove with them to plant a newe colonie when their foresayde masters shall bee enabled by our forme thereunto. which shall bee after hee hath gayned and [an] estate in England and is able to drawe over or carrie with him 300 men, leaveing the collonie hee was first planted in 300 strong or upwarde.

The next magistracie is the governour, him wee ordayne after the death of the first patriott to bee annuall by election, but dureing the life of the first patriott hee shall bee governour and afterwarde his heires shall bee honoured as head of that order but shall not governe unlesse hee bee theareunto chosen. The governours charge shall bee to see the lawes, decrees and orders aswell in the publike government of the colonie as in the private families observed. hee shall controlle all men for breach of manners and discipline, first givinge them private admonition and afterwarde publike if they perscever in their misdemeamour. Hee togeather [with] the maior, the shreife, the churchwarden, and one commoner chosen by the rest of the commoners, the governour haveing the casting voice, they shall have power to indite for breach of lawes, and to suspend from degrees for breach [of] manners accordeing as in their discretion shall be thought meete.

The next order that wee ordayne is the maior and aldermen, togeather with the shreife, all which 3 orders in matters of triall of life and death, wee ordayne that they shall bee tryed either by the councell of state or the provinciall councell, the jurie that tryeth them being to bee of their owne ranke and order, and in case where there are not soe many to bee founde, they shall bee supplied out of the order and ranke next beneath them.

And wee doe give as well to our provinciall councell as to this degree and order the jurisdiction over all persons and degrees under their order, they haveing some one learned in the law to direct them. And wee doe ordayne that both our sayde severall councells and the sayde maiour and aldermen, shall have full power and authoritie in their jurisdictions to heare and determine as well all capitoll as criminall causes, which in the precinctes of their severall colonies or incorporacions in manner and forme followeing (that is to saye) by twelve honest and indifferent persons, as neere as canne bee of the plaintifes and defendantes rankes and orders, then the sayde juries to bee chosen indifferently out of both their orders, which juries are to be returned by the marshalls, for the provinciall councell, and by the shreifes for trialls in incorporations, thease jurors being sworne uppon the evangelist shall accordeing to their evidence to bee given unto them uppon oath, and accordeing to the trueth in their consciences either convicte or acquitte the persons accused and tryed by them, or shall trie causes for matter of right, betwene the plaintife and defendaunt, guided by their consciences and by evidence one oath delivered to them, wee givinge authoritie to the provinciall councell and to the maiour and aldermen, in either of their jurisdictions respectively to repreeve and put of [off] execution of any one adjudged to dye, but wee will graunte noe power to pardon death; to any but to our greate Councell of State.

Furthermore for the ordering of our under orders in thease our corporations wee doe ordayne that everie alderman shall have his severall warde devided to them accordeing as their number of citiezens encrease, and everie one must have a common councillor under him as a deputie whome must appoynte under them everie tenne men a taskemaster chosen out of the commoners, or of the best labourers, thease must worke in the head of their file, and givinge them good example must direct and over see them. And the taskemasters and common councillors must weekly relate to the governours, whome loytereth and whome taketh paynes, and they must be rewarded or punished accordeing. Thease taskemasters and common councillors in their wardes,

must alsoe take care of all sicke persons, and they must complaine of masters that abuse their servauntes, in suffering them to want either foode or apparrell. All thease thinges must bee certiefied to the governour and hee must see it amended, for they and the whole colonie as a bodie politicke, must make good to the state there and heare all the covenantes that the patriot, the governour, aldermen, one common councillor or one commoner or 3 of them of the sayde colonie of which the patriot or governour must bee one, shall undergöe to any adventurer that sendeth servauntes thither, or any trades men that shall trust them with wares, for such colonies as are raised there, they shall give warrant under the seale of the colonie, before 5 of their councill there. And the councill there sendeing their letters of credence to the councill heare, they shall binde the colonie whome the letters concerne to performe all covenantes that they shall undergoe. Thease covenantes must bee acknowledged and sealed heare before the Treasurer and his deputie and foure councillors, and then they must stand as a statute to binde and make lyable all the goodes and persons of any personall adventurers in the sayde colonies, the arrest of them or their goodes to bee made either heare or theare. The like shall bee done for all collonies that shall bee raised heare, certificcate being made by the councill heare, of their warrauntes acknowledged in courte, and this shall binde all their goodes and persons theare to bee aunswearable to any seasure that shall be made for not performeing the covenantes signed and sealed as aforesayde. This assurance as well of their owne goodes they adventure as all the goodes of that colonie wherein they adventure, will give such satisfaction to adventurers, that shall either have sonnes, brothers, or kindred that they meane to doe good too, that they shall neede onely to lend them their adventurers for, 5, 6, or 7 yeares, as the colonie and they canne agree, and then they may have their moneys repayed.

Moreover because where the businesse of the commonwealth is left to manye, there everie one putteing it of [off] noething is donne, therefore our Councill in England nominateing 9 persons (whome they shall thinke meete) to us, wee will make choice of 3 of those 9 to bee principall magistrates planteing them in each province one, which shall have power to see each magistrate, councillor patriot and governour to execute their office, to see the lawes and orders observed, and to execute the decrees of our councells as our shreifes doe in England. And thease being capeable of the generall commaund of the forces throughout their severall provinces when the Councill of State shall put the sword in their handes, they must onely have power to censure indite and suspend, but hee must have noe jurisdiction. Thease 3 magistrates haveing soe good alloweances as the plantacion will afforde them, they shall settle their estates in England and have noe estates in Virginea, everie one haveing certayne men allowed them for their guard by the collonie, And houldeing their places for a time limited by us and our Councill in England and removeing them from province to province as wee shall thinke meete. Thease wee appoynte to bee our marshall governour, and are to take their directions, both of takeing upp and layeing downe the sword accordeing to their commissions by the councill of state in Virginea graunted and givinge ane accompte of their actions to the sayde councill, at their comeing out of the feilde.

Furthermore wee considering that this greate power given amongst our magistrates councells and governoures may (as wee have formerly

shewed in the lawe provided against the abuses of the sayde soveraigne power) prove to bee the undoeing of our obedient subjectes that are to live under it and bee commaunded by it, And soe may turne to the ruine of the commonwealth, Thearefore it concerninge the whole bodie politicke aswell as everie particuler member, that it may bee the better looked unto, and the more severely punished, wee doe ordayne a Syndex or magistracie, framed out of the 5 orders or degrees, 3 a peece out of everie order, that shall soe often as the generall parlament meetes have power to enquire, examine, trye and adjudge (as neede shall require) all the greate councellers either of the state or of the provinces, the patriotes, the governours, or any other that shall have the administration of justice within any of our sayde provinces or collonies. And whichsoever of them shall bee found guiltie of oppression or the encroacheing farther uppon our soveraigne power then to him or them or [is] limited by thease our orders, or warranted by our councill of state, they shall have power to punish them accordinge to the lawes, either with losse of life, goodes or banishment. The goodes of which offendoures, wee will bestowe one [on] the publike, whoe havinge caught the wolves and stripped them shall have the fell for their paynes. Noe scentence must passe in this magistracie under 10 voices, none of death under 13^{een}. This magistracie must continue durezza the time of the Parlament. Everie councillor or magistrate that shall bee questioned by this magistracie, must stand 8 dayes subject to this inquisition and triall, in which time it shall bee lawfull for any man to accuse him, and after wardes beinge acquitted he shall have a certificate under the handes of thease magistrates, certifieing his integritie in his place, which may remaine by him as a merke of honour to him and his posteritie. To choose this magistracie, there must bee a provinciall parlament called, one out of each order of the 5 orders in everie corporation, which beinge mette and the orders sorted and severed by themselves, they must write everie one his name to whome they give their voices, and then the partie out of everie order which hath the most voices must stand as choosen for this magistracie. Thease magistrates shall bee called the Protectoures of the comonwealth durezza the time of their magistracie.

To the purpose thearefore that wee may forthewith have thease our orders lawes and forme of gouvernement, put in execution, wee doe first charge and ordayne that all our councellers in Virginea shall perswade and prepare first and especially the ould planters and all other adventurers that are planted there and have servauntes, to devide themselves into consorteshippes of 30^{ties} or 50^{ties} to bee principall men in thease our particular collonies, and that they planteing themselves as neere one to the other as may bee, will prepare houses for certayne other planters or servauntes that shall be sent to them, of whome they shall take charge, they beinge payed aswell for those their houses as for their undertakeing the charge of servauntes, by them that shall enter or adventure into consorteshippe with them. And that such our councellers, as have estates in England or Ireland and such other of the planters as canne procure 300 men to joyne with them, to bee suretyes one for each other that within 7 yeares they shall purchase estates in England, to such a value as shall bee thought meete. Thease shall be allowed to bee patriotes.

And wee doe farther will and charge our councill in England that they give furtherance to all such as shall bee soe consorted, to supplie

them with planters that haveing estate heare may bee either patriotes or of the order of governoures. And to cause adventurers that will onely send servauntes thither to joyne with those ould planters, giving them reward for their paynes, and for such hundredes as are now planted onely with tenauntes or servauntes, to cause the ould planters that are freeholders to joyne and plante with them, and likewise to send to them patriotes and governoures that have estates in England, to plante amongst them, that the ould planters may both helpe to instruct them and keepe them to their laboures. And the colonie may bee aunswearable, both to the state for their allegiance and to the adventurers for their adventures and that they will not graunt any farther patentees heareafter to any other but such as shall bee enabled by this our forme to take them.

And in regard that our planters in Virginea may bee the better furthered by the companie in England wee doe ordayne that everie collonie after it is 300 strong shall appoynte 3 deputies of their principall adventurers whome they best trust, resideing in or about London or Plimouth, whereof one of them being nominated to bee the principall shall bee authorrized to bee present at all consultations with the councell of Virginea and New England, to consulte uppon the election of officers belonging to the courtes there, and about contractes with the King or companie about auditeing the accomptes. The whole order and classis of thease men, being tearmed the preconsulters, shall have a negative voice to staye and hinder all things that shall bee prejudiciall to the planters in Virginea giving in their names, their consentes or their denials for the matter questioned in writinge, the other two deputies shall bee as agentes and factors to buy and sell the goodes transported and returned to and from Virginea.

An wee doe further charge our councell in Virginea, that in the interim whilst thease thinges are doinge, they will send out certayne flatt bottomed vessells to discover to the southward where the best places (most especially for health) are to plant one [on], and that they will likewise prepare long and large vessells flatt bottomed, like those they tearme flutes in the Low Countries, that in transporteing our men they may laye drye in them till their houses are made or built.

For the seateing and ordering thease severall plantacions because they require a good judgement uppon the veue of the place (there haveing beene either none or verie slight discoveries in that kinde), wee must leave it to the wisdom and judgement of you our councell in Virginea, but wee knowing the manye inconveniences that doe heape themselves together both uppon the plantacion and the governement in our planteing in grosse, which noething but a potent domesticke enimye should enforce us to, And considering that the naturalls of the cuntrie are soe weake, that the strenght and largenesse of the cuntrie is soe greate, soe as by the fortiefeing of the mouthes of the rivers and keeping the center and middle province of the plantacion strong, And knowing that the deviding of our forces in soe strong a cuntrie will bee a principall meanes not onely to encrease the strenght of them by our retireing fightes from one collonie to the other, tyering, debilitateing and anoyeing an assayleing enimie and draweing them to all places of disadvantage, but alsoe to bee a speciall helpe to the attayneing of all other our defined endes, Wee doe ordayne therefore 3 provinces, a southerne, a middle, and a northorne province, planteing our collonies in them, accordeing as wee shall finde the rivers to lye, planteing not above

2 collonies one one river, One at the falls to make bridges to coste the cuntrye, and anoether not farre of from the mouthes of the sayde riveres, and they being noe farther of [off] in distance one from the other but that they may second one the other in 3 or 4 dayes by land, which manner of planteing and seateing them, will not onely bee and [an] impulsive cause enforcing by necessitie the continuance of the government by us now ordayned, but alsoe and [an] especiall meanes of gayneing healthie places to plant one [on], a meanes to enlarge our dominions, a meanes to encrease our navie, a meanes to discover the comodities of the cuntrie, a meanes to make tame and civill the Indiyans, a meanes to make our commaunders the better agree, a meanes to keepe our collonies from generall mutinies and oppresseing each other, a meanes to keepe them from makeing leagues and aydeing each other agaynst the soveraigne councell, a meanes to ballance one province and collonie by the other, a meanes to make them joyne against anyone that shall rebell against the generall government, and finally a meanes to make the patriotes greate within their owne collonies and wastes adjoyneing to them, thus planteing them and equalling them in number, seateing, ordering, and fortiefieing them, our religion, discipline, government, ecclesiasticall and civill, the ordering of our families, and the tying of the naturall Virgineanes all to coheare accordeing to our forme, everie thing will bee soe united and made one in dependencie, as the essence and being of it shall naturally depend one our soveraigntye.

Now because wee will shewe you that the duties of commaundeing and obeyeing are mutuall, having hitherto endeavoured to winne you to a loveing obedience of thease our lawes and orders sett downe in this forme, as wee intend wholly for your good and advauntage, wee by waye of retributeing our love for your obedience doe promise that heere-after if you shall either finde out there groweing, or plante there any commoditie that shall bee of necessarie use in any of our dominions, that then payeing us our customes and impostes, and being able fullye to supplie us with the sayde commodities, you shall have onely the bringeing them in. And because wee knowe that this spreadeing and groweing quallitie doth necessariely require a publique groweing stocke, in performance of this our promise, wee doe give unto such as shall desire to plant estates in England, the sole importation of tobaccoe, that you may plant estates aswell in England as in Virginea, wee doe enjoyne you that if by restrayneing it that it come not two fast into England, and by keepeing it in banke heare, it shall prove worth 4 or 5 pounds, yee shall bee payde halfe of it in Virginea in commodities and servauntes at easie and reasonable rates, and the other halfe shall remaine in banke in England, in good handes (you receaveing 6 in the hundredth) to imploye as you shall thinke meete, The surplusage profite above 4 or 5 being employed as a treasure for the publique. Wee will order that there shall bee servauntes and cattle equallie sent to the collonies, the benefitte of whome they shall have the 4th. parte of it for takeing the charge of them.

And because wee doe knowe that a sett and frugall habite is the best meanes to advance a groweing commonwealth to the one that yee may banish superfluitie and that everie degree may bee knowne by their habbites, wee doe charge and commaund you to sett downe amongst yourselves certayne frugall and inchangeable fashions, for each degree to weare, givinge to the ould planters some noate of honour to distinguish them from others.

And that this may bee the better donne, wee doe ordayne, that there shall bee a megasine for the publike, the stocke whereof shall bee raised out of theould debtes and the fines of such as have abused the governe-ment, which stocke shall still bee upheald and increased as the plantacion increaseth aswell by the benefitte of retourne of commodities, as by one 4th. parte of the publike servauntes labours, by and [an] increase of the 4th. parte of the cattell, and by a rent to bee reserved out of the landes where the publike servauntes shall bee planted, when they are once made free tenauntes.

Wee haveing thus not provided you a meanes to plant estates in England but put you into the waye how it shall bee donne, our businesse will bee soe to order the seateing, fortiefieing and the manner of the spreadeing of your collonies, that it maye bee for your heathes, and strenghtening of you, soe onely, as you may not strengthen yourselves against our publike state. And because soveraigne seates are onely to bee used where the person of the soveraigne hath his continuall abydeing, therefore wee doe ordayne that noe colonie shall bee planted one [on] the mouth of any naviegable river, where the channells maye be commaunded or shall take any soveraigne seate naturally strong to commaund both sea and land, but shall leave the mouthes of all the riveres to bee fortiefied in that manner the state shall thinke fitt, onely with small fortes bastions or bullworkes that maye contayne 20 or 30^{tie} men a peece, to handle their ordinaunce to beate and commaund the channells. But because prepotencie is the principall thing that you must all take heede of, dwarfes and gyantes never agreeing well together in one familie, ranke or order, wee will leave this to your cares whome it doth most especially concerne to looke unto it, willeing and commaundeing you that noe peece of grounde within the degrees before limited, shall bee taken and fortiefied, by any our subjectes the planters theare, but first a commission shall bee directed to certayne surveyours some of which shall bee well experienced in fortification, a record being kept of the names of the commissioners, together with the condition of the place, the quallitie, quantitie and manner of the fortification by them all owed to bee made, that not onely thease commissioners if they shall connive and suffer such fortes and places of advantage to bee taken and fortiefied may receive condigne punishment therefore, but alsoe it may make all such planters as shall fortiefie contrarie to the alloweance of the state to bee unexcuseable, which offence accordeing to our lawes of England, wee doe ordayne that it shall bee felonie.

Now for the manner of the fortiefication that they may bee all equall, wee will and commaund that there shall bee one sett forme for all, and that citties bee fortiefied with bricke and stone walls onely, not of any greate thickenesse, but battalemented one the toppe, flanked without and tarrased within more for comelynesse then strenght, planteing them either uppon easie and accessable assentes, or else one levell groundes, by small rivers as farre from marshes and ill aires as may bee, not suffering any to fortiefie within gunneshott of the banke of any greate navigable river, neither one collonie to plant one both sides theareof that they may not annoyne either those that plant above them, or such their neighbour collonies as shall abutte againste them, but wee would have them plante one [on] such small riveres as are fordeable, and wheare bridges may bee made to passe them, there they shall plant one both sides, if the riveres bee not the boundes bettwixte

two collonies, in which cases none of the sayde collonies shall plant within gunne shotte of them, the fisheing being common to both. One [on] thease riveres if wee shall plant our townes in the middest, our wastes and commons next and our cuntrie villages last, makeing them soe strong as they maye bee sufficient defences agaynest the Indyans, and the placing those villages in and [an] orderlye distance one from the other, everye planter that is but of 2 or 3 yeares standeing will knowe his station, the manner of the fortiefication and buildeing aswell as the Romans knew their campe. But for the manner of spreadeing and devideing our collonies, wee will take example by King Alfridde whose first devided England into several sheires or sextions and appoynted over everie sheire and [an] earle to commaunde his forces theare, which sheires hee alsoe devided into lesser partes whereof some bee called Lothia [lathes?] of the Saxon worde, which signifieth to assemble, others he tearmed hundredes, because those that commaund over them, had jurisdiction over a hundredth pledges, others he tearmed tytheinges, soe named because there was in each of them ten persons, whereain each one was suretye and pledge for the others good abeareing, and whatsoever hee was that was not of credдите to bee receaved into one of thease tytheinges hee was either subject to the marshall law, or else committed to prison and there made worke like and [an] idle droane. if this course bee now taken in Virginea and that the Indyane within the wastes adjoyneing to the collonies, were by your gentle usage drawne into thease polliticke orders, whereby each collonie should have their propper Indyans beelongeing to them, whose seeth not what greate benifitte would arise to the plantacion theareby.